

REMARKS

INTERVIEW SUMMARY

The undersigned attorney would like to thank the Examiner for the courtesies extended during a recent telephone call. During the call, the undersigned attorney questioned why restrictions were imposed to the claims at this stage of prosecution. No agreements were reached.

RESPONSE TO RESTRICTION

In the outstanding Office Action, the Examiner requires restriction to one of the following inventions under 35 U.S.C. §§ 121 and 372:

Group A Claims 1, 55-61, and 78-79, drawn to a flush toilet comprising a common actuator for controlling the opening and closing of both the waste ball valve assembly and water valve assembly.

Group B Claims 62, 64, 66, and 68, drawn to a flush toilet having a rear surface transitioning into a ledge.

Group C Claims 69 and 72-77, drawn to a flush toilet having a common sealing member for sealing the bowl to the base for wiping a ball of the waste ball valve assembly.

Applicants hereby elect to prosecute the claims of Group A. This election is made without traverse. Claims 62, 64, 66, 68-69, and 72-77 have been cancelled. Applicants reserve the right to pursue the subject matter of the cancelled claims through one or more divisional applications.

The Examiner has requested Applicants to restrict the claims to a single disclosed species pursuant to PCT Rule 13.1:

Species A As depicted in Figures 3-8 (drive arms between waste ball and water valve assemblies).

Species B As depicted in Figures 12-10 (sic) (gear arrangement between waste ball and water valve assemblies).

Applicants hereby elect to prosecute the subject matter of Group A. Applicants respectfully submit that each of the pending claims reads on the elected embodiment.

NEW CLAIMS

Applicants have added new claim 80 for the Examiner's consideration. Support for the new claim can be found through the application as originally filed. As such, no new matter has been added.

CONCLUSION

If the Examiner has any questions or believes that personal contact would expedite prosecution of this application, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Dated: 1 April 2010

By: /Stephen T. Olson/
Stephen T. Olson, Reg. No. 36,626
Attorney for Applicants

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600
STO:ca
15886074.1